



MEMORANDUM

To: Mayor and Members of the City Council

From: Montre' Freeman, City Manager
Dwan Bell, Public Utilities Director

Date: October 20, 2023

Re: Consideration - Award Force Main Relocation and Water Main Isolation Valves on Rivershore Road Bridge

BACKGROUND:

On February 21, 2022, North Carolina Emergency Management (NCEM) published a Notice of Funding Opportunity through the Transportation Infrastructure Resiliency Fund (TIRF). The City was awarded \$1.9M through this program and the City Council approved removing and replacing the Rivershore Road-Fairfax Avenue bridge that is severely deteriorated and sinking; presenting risk to traffic safety. Public Utilities jointly with engineering firm AECOM developed design plans for prerequisite work of Force Main Relocation and Water Main Isolation Valves to sustain water and sewer services and formally solicited bids statutorily to contract this work.

ANALYSIS:

On August 11, 2023, pursuant to North Carolina General Statutes 143-129, City of Elizabeth City Public Utilities solicited sealed bids. Upon only receiving one bid, bids were solicited a second time on September 11, 2023 per minimum bidding requirements for the Force Main Relocation and Water Main Isolation Valves on Rivershore Road until 2:00 p.m. on October 10, 2023.

Utility Contractors Envirotech Unlimited Construction, TA Loving, and Eastern Carolina Construction, Inc. attended the mandatory pre-bid meeting to discuss the project's scope of work. As a result, Eastern Carolina Construction, Inc. submitted a bid after two attempts in the amount of \$59,500.

Additionally, North Carolina's state moratorium for in-water work ended on October 1, 2023, which continues through February 15, 2024. In order to get a majority of in-water work completed for the project, Public Utilities has accelerated the design schedule, submitted all construction documents and are accepting bids for the bridge replacement project on October 30, 2023, along with holding a pre-bid meeting on October 17, 2023.

STAFF RECOMMENDATION:

By motion, authorize Public Utilities to award and employ Eastern Carolina Construction, Inc. for the force main relocation and water main isolation valves for the Rivershore Road-Fairfax Avenue bridge project.

Bid Summary & Certification

Eastern Carolina Construction, Inc., herein submits a bid to the Force Main Relocation and Water Main Isolation Valves Project to the City of Elizabeth City, in the amount of:

\$ 59,500.00

By submitting this bid, I, Sean Robey also acknowledge and certify the following:

1. That all information provided in this bid is true and accurate as of the date submitted.
2. That I am an Authorized Agent of Eastern Carolina Construction, Inc.
3. That I have reviewed this Request for Bids document in its entirety.
4. That Eastern Carolina Construction, Inc. acknowledges that estimated quantities are not guaranteed and are solely for the purpose of bid comparisons, and final payments will be based on actual quantities.
5. That the City reserves the right to negotiate and modify the scope of work to match available funding.
6. That the negotiated scope of work described above shall not be deviated from without prior, written approval by the City's Project Manager
7. That an employee or agent of Eastern Carolina Construction, Inc. attended a mandatory pre-bid meeting on August 17, 2023.
8. That I have reviewed www.elizabethcitync.gov for potential responses to questions about this bid prior to its submission.
9. That I have provided a complete Bid Packet to the City, with all necessary signatures, including:

A. Bid Summary and Certification

B. Bid Sheets

C. Execution of Bid / Non-collusion Affidavit

D. Bid Bond E. HUB / Minority Participation Forms

Signature of Authorized Agent: 

Title of Authorized Agent: Vice President/ Corporate Secretary

Date: October 10, 2023

Mailing Address of Company: PO Box 128, Camden, North Carolina 27921

Contact Info (phone & email): 252-335-1888, sean@easterncarolinainc.com

B. Bid Sheets:

ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
Mobilization	1	Lump Sum	\$ 4,250	\$ 4,250
Force Main Relocation and Water Main Isolation Valves	1	Lump Sum	\$ 51,750	\$ 51,750
Traffic Control	1	Lump Sum	\$ 3,500	\$ 3,500
			TOTAL	\$ 59,500

Addendum Acknowledged: #1 dated August 24, 2023

#2 dated September 25, 2023

C. Execution of Bid / Non-collusion Affidavit

EXECUTION OF BID FOR CORPORATION

NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN CERTIFICATION

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract, that the bidder has not been convicted of violating N.C.G.S. § 133-24 within the last three years, and that the Bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. In addition, execution of this bid in the proper manner also constitutes the Bidder's certification of status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable. N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

SIGNATURE OF CONTRACTOR

Full name of Corporation Eastern Carolina Construction, Inc.

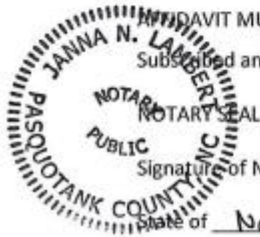
Address as Prequalified PO Box 128, Camden NC 27921

Attest
Secretary/Assistant Secretary

Sean Robey
Print or type Signer's name

By Daphne Robey
(President/Vice President/Assistant/Venue President)

Daphne Robey
Print or type Signer's name



AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the 7 day of September 2023.

Jan N. Lambert
Signature of Notary Public of Pasquotank County

State of North Carolina My Commission Expires: April 16, 2027

D. Bid Bond

Principal: Eastern Carolina Construction, Inc.

Surety: Nationwide Mutual Insurance Company

Project and Contract Number: Force Main Relocation and Water Main Installation Valves at Rivershore Road - AECOM PROJECT No. 00004156

Date of Bid: October 10th, 2023

County: City of Elizabeth City, Pasquotank County, NC

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above ^{See Below} named, are held and firmly bound unto the CITY OF ELIZABETH CITY in the full and just sum of five (5) percent of the total amount bid by the Principal for the project stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

NOW, THEREFORE, the condition of this obligation is: the Principal shall not withdraw its bid within sixty (60) days after the opening of the bids, or within such other time period as may be provided in the proposal, and if the CITY OF ELIZABETH CITY shall award a contract to the Principal, the Principal shall, within fourteen (14) calendar days after written notice of award is received by him, provide bonds with good and sufficient surety, as required for the faithful performance of the contract and for the protection of all persons supplying labor, material, and equipment for the prosecution of the work. In the event the Principal requests permission to withdraw his bid due to mistake in accordance with the provisions of Article 103-3 of the Standard Specifications for Roads and Structures, the conditions and obligations of this Bid Bond shall remain in full force and effect until the CITY OF ELIZABETH CITY makes a final determination to either allow the bid to be withdrawn or to proceed with award of the contract. In the event a determination is made to award the contract, the Principal shall have fourteen (14) calendar days to comply with the requirements set forth above. In the event the Principal withdraws its bid after bids are opened except as provided in Article 103-3, or after award of the contract has been made fails to execute such additional documents as may be required and to provide the required bonds within the time period specified above, then the amount of the bid bond shall be immediately paid to the CITY OF ELIZABETH CITY as liquidated damages.

*5% of total amount of bid not to exceed: Twelve Thousand and 00/100 Dollars (\$12,000.00)

E. E-Verify Affidavit

STATE OF NORTH CAROLINA
E-VERIFY AFFIDAVIT
COUNTY OF PASQUOTANK

NOW COMES Affiant, first being sworn, deposes and says as follows:

1. I have submitted a bid for contract or desire to enter into a contract with the City of Elizabeth City.

2. As part of my duties and responsibilities pursuant to said bid and/or contract, I attest that I am aware of and in compliance with the requirements of E-Verify, Article 2 of Chapter 64 of the North Carolina General Statutes, to include (mark which applies):

☐ After hiring an employee to work in the United States I verify the work authorization of said employee through E-Verify and retain the record of the verification of work authorization while the employee is employed and for one year thereafter; or

☒ I employ less than twenty-five (25) employees in the State of North Carolina.

3. As part of my duties and responsibilities pursuant to said bid and/or contract, I attest that to the best of my knowledge any subcontractors employed as a part of this bid and/or contract are in compliance with the requirements of E-Verify, Article 2 of Chapter 64 of the North Carolina General Statutes, to include (mark which applies):

☐ After hiring an employee to work in the United States the subcontractor verifies the work authorization of said employee through E-Verify and retain the record of the verification of work authorization while the employee is employed and for one year thereafter; or

☒ Employ less than twenty-five (25) employees in the State of North Carolina. Specify subcontractor: none selected

This the 7th day of September, 2023.


Affiant

Sworn to and subscribed before me, this the 7th day of September, 2023.




Notary Public

My Commission Expires: 10/21/2024

F. HUB Certified/Minority Business Participation (Complete Applicable Form)

Identification of HUB Certified/ Minority Business Participation

1. Eastern Carolina Construction, Inc.
(Name of Bidder)

do hereby certify that on this project, we will use the following HUB Certified/ minority business as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone #	Work Type	*Minority Category	**HUB Certified (Y/N)
all self performed			
Hub Certified Business			

*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) American Indian (**I**), Female (**F**) Socially and Economically Disadvantaged (**D**)

** HUB Certification with the state HUB Office required to be counted toward state participation goals.

The total value of minority business contracting will be (\$) intend to all self performed

State of North Carolina AFFIDAVIT A - Listing of Good Faith Efforts

County of Ashe

(Name of Bidder)

Affidavit of Eastern Carolina Construction, Inc.

I have made a good faith effort to comply under the following areas checked:

Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive. (1 NC Administrative Code 30 I.0101)

- ☒ 1 - (10 pts) Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- ☒ 2 - (10 pts) Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- ☒ 3 - (15 pts) Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- ☒ 4 - (10 pts) Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- ☒ 5 - (10 pts) Attended prebid meetings scheduled by the public owner.
- ☒ 6 - (20 pts) Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- ☒ 7 - (15 pts) Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- ☒ 8 - (25 pts) Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- ☒ 9 - (20 pts) Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- ☒ 10 - (20 pts) Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: 9/12/2023 Name of Authorized Officer: Sean Robey
Signature: [Signature]
Title: Vice President / Corp Secretary



State of North Carolina County of Camden
Subscribed and sworn to before me this 7th day of September, 2023
Notary Public Daphne Forbes Robey
My commission expires 12/31/2024

Affidavit B – Intent to Perform Contract with Own Workforce.

County of Pasquotank.
Affidavit of Eastern Carolina Construction, Inc.
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the Force Main
Relocation and Watermain Isolation Valves at Rivershore Road contract.
(Name of Project)
AECOM Proj No. 60694156

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement. The Bidder agrees to make a Good Faith Effort to utilize minority suppliers where possible.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: 9/7/23 Name of Authorized Officer: Sean Robey

Signature: [Signature]

Title: Vice President / Corp Secretary



State of North Carolina, County of Camden
Subscribed and sworn to before me this 9th day of Sept 2023
Notary Public [Signature]
My commission expires 10/21/2024



ADDENDUM No. 1

**FORCE MAIN RELOCATION and
WATER MAIN ISOLATION VALVES
CITY OF ELIZABETH CITY**

**AECOM PROJECT No. 60694156
BID DATE: September 07, 2023
ADDENDUM DATE: August 24, 2023**

SECTION	DESCRIPTION
General	This Addendum forms a part of the Contract Documents and modifies the original Bidding Documents as noted below. Bidders shall acknowledge receipt of the Addendum in the space provided on the Proposal Form. Failure to do so may subject the Bidder to disqualification.
Pre-Bid Conference	The mandatory Pre-Bid Conference was held on August 17, 2023, at 10:00 a.m. on site at the Rivershore Road and Fairfax Avenue Bridge in the City of Elizabeth City, NC. Attached is a copy of the Attendance List sheet.
Contract Requirements	<p>Bid Security in the amount of five percent (5%) of the Bid must accompany each Bid. On the bid bond form included in the Invitation to Bid packet, please note that there is not a contract number, so use AECOM's project number 60694156. Also, for the line item "County," please insert "City of Elizabeth City, Pasquotank County, NC."</p> <p>A Performance Bond and Payment Bond are required for the project.</p>
Contract Drawings Plan Sheet UC-4	If needed, the City of Elizabeth City will hold the power pole on Preyer Avenue while the contractor installs the 2-inch force main around it. The Contractor shall give the City 72 hours prior notice of when the pole needs to be held.
Technical Specifications	
Section 33 30 00 – Sanitary Sewer Utilities	Paragraph 2.01.A.1 – HDPE Pipe: 160 psi rated, SDR 11 pipe and fittings are also acceptable.

AECOM Technical Services of North Carolina, Inc.

By:



Steve Scruggs, P.E.

**RELOCATION OF FORCE MAIN AND
CUT-IN WATER VALVES
CITY OF ELIZABETH CITY**

August 17, 2023; 10:00 a.m.

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ADDENDUM No. 2

**FORCE MAIN RELOCATION and
WATER MAIN ISOLATION VALVES
CITY OF ELIZABETH CITY**

**AECOM PROJECT No. 60694156
SECOND BID OPENING DATE: October 10, 2023
ADDENDUM DATE: September 29, 2023**

SECTION	DESCRIPTION
General	This Addendum forms a part of the Contract Documents and modifies the original Bidding Documents as noted below. Bidders shall acknowledge receipt of the Addendum in the space provided on the Proposal Form. Failure to do so may subject the Bidder to disqualification.
Pre-Bid Conference	The second mandatory Pre-Bid Conference was held on September 25, 2023, at 10:00 a.m. on site at the Rivershore Road and Fairfax Avenue Bridge in the City of Elizabeth City, NC. Attached is a copy of the Attendance List sheet.

AECOM Technical Services of North Carolina, Inc.

By:



Steve Scruggs, P.E.

**ATTENDANCE LIST
SECOND PRE-CONSTRUCTION CONFERENCE**

**RELOCATION OF FORCE MAIN AND
CUT-IN WATER VALVES
CITY OF ELIZABETH CITY**

AECOM PROJECT NO. 60694156

September 25, 2023; 10:00 a.m.

NAME	REPRESENTING	TELEPHONE and EMAIL
Steve Scruggs, PE Project Engineer	AECOM	(919)-819-9352 steve.scruggs@aecom.com SS
Randy Lassiter Project Manager	City of Elizabeth City	(252)-339-2068 rlassiter@elizabethcitync.gov RL
Dwan Bell Public Utilities Director	City of E-City	252-337-6622 dbell@elizabethcitync.gov DB

LEGAL ADVERTISEMENT

Force Main Relocation and Water Main Isolation Valves on Rivershore Road

Issue Date:

August 11, 2023

Issuing Department:

City of Elizabeth City
Public Utilities, 2nd Floor
410 Pritchard Street
Elizabeth City, NC 27909

Pursuant to North Carolina General Statutes 143-129, the City of Elizabeth City will receive sealed bids for the Force Main Relocation and Water Main Isolation Valves until 2:00pm EDT on September 07, 2023, by hand delivery to the address shown above. The bidder is responsible for ensuring the bid is received at the bid opening location, prior to the bid opening. No bids will be accepted after the official time and date.

Questions concerning the proposed Bid documents shall be sent in writing to Randy Lassiter, Public Utilities Project Manager, by email at rlassiter@elizabethcitync.gov or Dwan Bell, Public Utilities Director by email at dbell@elizabethcitync.gov or by hand delivery to 410 Pritchard Street, Elizabeth City, NC 27909.

A mandatory pre-bid meeting will be held at Elizabeth City, NC 27909 at 10:00am EDT on August 17, 2023 at 36.2909808, -76.2048786 or at the intersection of Rivershore Road and Fairfax Avenue. All interested and qualified contractors must attend in order to participate.

The City of Elizabeth City reserves the right to accept or reject, in whole or in part, such bids as appears in its judgment to be in the best interest of the City.

Inquiries should be directed to:

Randy Lassiter, Project Manager

Email Address: rlassiter@elizabethcitync.gov

Dwan Bell, Public Utilities Director

Email Address: dbell@elizabethcitync.gov

Mailing Address: PO Box 347, Elizabeth City, NC 27907

**LEGAL RE-ADVERTISEMENT
REQUEST FOR BIDS (READVERTISEMENT)
Force Main Relocation and Water Main Isolation
Valves on Rivershore Road**

Issue Date: September 15, 2023

Issuing Department: City of Elizabeth City
Public Utilities, 2nd Floor
410 Pritchard Street
Elizabeth City, NC 27909

Pursuant to North Carolina General Statutes 143-129, the City of Elizabeth City will receive sealed bids for the 2nd time per minimum bidding requirements for the Force Main Relocation and Water Main Isolation Valves on Rivershore Road until 2:00pm EDT on October 10, 2023, by hand delivery to the address shown above. The bidder is responsible for ensuring the bid is received at the bid opening location, prior to the bid opening. No bids will be accepted after the official time and date.

Questions concerning the proposed Bid documents shall be sent in writing to Randy Lassiter, Public Utilities Project Manager, by email at rlassiter@elizabethcitync.gov or Dwan Bell, Public Utilities Director by email at dbell@elizabethcitync.gov or by hand delivery to 410 Pritchard Street, Elizabeth City, NC 27909.

A mandatory pre-bid meeting will be held at Elizabeth City, NC 27909 at 10:00am EDT on September 25, 2023 at 36.2909808, -76.2048786 or at the intersection of Rivershore Road and Fairfax Avenue. All interested and qualified contractors must attend in order to participate.

The City of Elizabeth City reserves the right to accept or reject, in whole or in part, such bids as appears in its judgment to be in the best interest of the City.

Inquiries should be directed to: Randy Lassiter, Project Manager ‘
Email Address: rlassiter@elizabethcitync.gov Dwan Bell, Public Utilities
Director ‘ Email Address: dbell@elizabethcitync.gov

Mailing Address: PO Box 347, Elizabeth City, NC 27907

Physical Address (for hand delivery): 410 Pritchard Street, Elizabeth City, NC 27909